

001099

**BRIGGS LAW CORPORATION**

*San Diego Office*  
5663 Balboa Avenue, No. 376  
San Diego, CA 92111-2705

*Telephone: 858-495-9082*  
*Facsimile: 858-495-9138*

*Please respond to: Inland Empire Office*

*Inland Empire Office:*  
99 East "C" Street, Suite 111  
Upland, CA 91786

*Telephone: 909-949-7115*  
*Facsimile: 909-949-7121*

*BLC File(s): 1007.99*

31 July 2007

Elizabeth Maland, City Clerk  
City of San Diego  
202 C Street, 2nd Floor  
San Diego, CA 92101

**Via Facsimile Only**

Re: ... Opposition to Item 341 on Today's City Council Agenda and  
Item 7 on Redevelopment Agency's Agenda

Dear Ms. Maland:


On behalf of Citizens for Responsible Equitable Environmental Development, I am writing to urge the Redevelopment Agency of the City of San Diego and the City Council not to approve the above-identified agenda items. The Redevelopment Agency is not in compliance with the "annual report" requirements under Health and Safety Code Section 33080.1 and with other provisions of the Community Redevelopment Law with respect to financial reporting. (In fact, litigation was commenced against the Redevelopment Agency and the City of San Diego earlier today on this very topic.)

Until there is full compliance with the financial-reporting requirements of the Community Redevelopment Law, approval of the above-identified items will be illegal.

For these reasons, I urge the Redevelopment Agency and the City Council not to approve these items.

Sincerely,

BRIGGS LAW CORPORATION

  
Cory J. Briggs

001101

**BRIGGS LAW CORPORATION**

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*BLC File(s): 1007.99*

27 July 2007--Corrected Letter

Eric Symons  
City Planning and Community Investment  
City of San Diego  
202 C Street, MS 4A  
San Diego, CA 92101-3864

**Via Facsimile and U.S. Mail**

Re: Request to Inspect and Obtain Copies of Public Records

Dear Mr Symons:

Thank you for your July 26, 2007 response to my client's July 15, 2007 request to inspect and obtain copies of public records. Your response raises two questions.

First, on whose behalf was your response made? Were you responding on behalf of the City of San Diego, the Redevelopment Agency of the City of San Diego, Centre City Development Corporation, Southeastern Economic Development Corporation, or some combination thereof? I received a phone call last night from CCDC's attorney, which suggests to me that your response does not cover CCDC. Please clarify the scope of your response today, in writing, so that I do not erroneously pursue other recipients of my request.

Second, what about the public records responsive to item nos. 2-4 in my request? Your response makes no reference to such records at all. Do those records exist or not? If so, they must be made available immediately and I will hold off only until July 31, 2007, before compelling their disclosure through a court proceeding. If not, simply tell me so in writing.

Thank you for your prompt assistance in this matter.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs

cc: City Clerk Elizabeth Maland (via fax only)

*Be Good to the Earth: Reduce, Reuse, Recycle*



# 001102 CITY COUNCIL MEETING RESULTS

DRAFT

DATE: TUESDAY, JULY 31, 2007 A.M.

RECORDER: LEVENSON-CRUZ

(Please Note: This Draft Results Sheet is awaiting consideration by the Mayor)

ITEM NO.	ACTIONS	R	302895	Motion / Second	VOTE
		O	19653		
30	<b>Adopted (R-2008-51)</b> Proclaiming July 31, 2007, to be "Margaret Schaufelberger Day"	R	302895	3/1	Unanimous; 5 not present
31	<b>Adopted (R-2008-14)</b> Designating July 31, 2007, to be "William Tayari Howard Day"	R	302896	4/3	Unanimous; 5 not present
50	<b>Introduced (O-2008-2)</b> Authorizing the Beneficial Use of Digester Gas (BUDG) - Agreements with BOC Merchant Production, Inc. <i>NOTE: 6 votes required</i>	I		7/2	Unanimous; 5 not present
51	<b>Adopted (O-2007-131 Rev.)</b> Amending Chapter 6, Article 3, Division 25 of the SDMC relating to Public Works and Property, Public Improvement and Assessment Proceedings	O	19653	7/2	Unanimous; 5-not present
52	<b>Adopted (O-2007-114)</b> Authorizing the First Amendment to the Agreement with Hawkins, Delafield & Wood for Arbitrage Services <i>NOTE: 6 votes required</i>	O	19654	7/2	Unanimous; 5-not present
53	<b>Adopted (O-2007-123)</b> Authorizing the First Amendment to the Agreement with Bond Logistix, LLC for Arbitrage Services <i>NOTE: 6 votes required</i>	O	19655	7/2	Unanimous; 5-not present
54	<b>Adopted (O-2007-137 Rev.)</b> Amending Chapter 2, Article 7, Division 40 of the SDMC relating to the principal lobbying Ordinance	O	19656	7/8	Unanimous; 5-not present
100a	<b>Adopted (R-2008-8)</b> Inviting Bids for Water Group 3003	R	302897	6/7	Unanimous; 5-not present
100b	<b>Adopted (R-2008-9)</b> Authorizing the MND No. 9317 for Water Group 3003	R	302898	6/7	Unanimous; 5-not present

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*BLC File(s): 1007.11*

31 July 2007

Christopher Cox, Chairman  
U.S. Securities and Exchange Commission  
100 F Street, NE  
Washington, DC 20549

Re: Redevelopment Agency of the City of San Diego

Dear Chairman Cox:

In light of your recent speech in Los Angeles, California, regarding "integrity in the municipal marketplace," I am writing to provide you with a copy of a complaint filed today in San Diego County Superior Court against the Redevelopment Agency of the City of San Diego and other public agencies. The complaint alleges that the Redevelopment Agency has failed to prepare its "annual report" for fiscal years 2003, 2004, 2005, and 2006, including "[a]n independent financial audit report for the . . . fiscal year." See CAL. HEALTH & SAFETY CODE § 33080.1(a). The exhibits attached to the complaint include a letter from the Redevelopment Agency admitting that it has not prepared these reports. Furthermore, the California State Controller's Office has confirmed that the Redevelopment Agency has not filed these reports as required by law.<sup>1</sup> See *id.*, § 33080(a) (requiring annual report to be filed with Controller).

I believe that the financial markets should be made aware of the Redevelopment Agency's non-compliance with all applicable financial-reporting laws and the effect of such non-compliance on the Agency's municipal securities.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs

Enclosures

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<sup>1</sup> See <<http://www.sco.ca.gov/ard/local/locprep/redevelop/reports/0506redevelop.pdf>>, p. iv, n. 2 (fiscal year 2005-06); <<http://www.sco.ca.gov/ard/local/locprep/redevelop/reports/0405redevelop.pdf>>, p. iv, n. 2 (fiscal year 2004-05); <<http://www.sco.ca.gov/ard/local/locprep/redevelop/reports/0304redevelop.pdf>>, p. iv, n. 3 (fiscal year 2003-04); and <<http://www.sco.ca.gov/ard/local/locprep/redevelop/reports/0203redevelop.pdf>>, p. iv, n. 2 (fiscal year 2002-03).



cc: Mayor Jerry Sanders, City of San Diego (via e-mail only)  
Councilmember Scott Peters, City of San Diego (via e-mail only)  
Councilmember Kevin Faulconer, City of San Diego (via e-mail only)  
Councilmember Toni Atkins, City of San Diego (via e-mail only)  
Councilmember Tony Young, City of San Diego (via e-mail only)  
Councilmember Brian Maienschein, City of San Diego (via e-mail only)  
Councilmember Donna Frye, City of San Diego (via e-mail only)  
Councilmember Jim Madaffer, City of San Diego (via e-mail only)  
Councilmember Ben Hueso, City of San Diego (via e-mail only)  
City Attorney Michael Aguirre, City of San Diego (via e-mail only)  
Chief Financial Officer Jay Goldstone, City of San Diego (via e-mail only)  
Deputy Chief Operating Officer for Land Use and Economic Development Jim Waring, City of  
San Diego (via e-mail only)



001105

CIVIL DIVISION  
JUL 31 1997

JUL 31 1997

BRIGGS LAW CORPORATION [FILE: 1007.11]  
Cory J. Briggs (State Bar no. 176284)  
Karen L. Skaret (State Bar no. 239779)  
99 East "C" Street, Suite 111  
Upland, CA 91786  
Telephone: 909-949-7115

Attorneys for Plaintiff and Petitioner Citizens for  
Responsible Equitable Environmental Development

BLC COPY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO--CENTRAL DIVISION

CITIZENS FOR RESPONSIBLE EQUITABLE  
ENVIRONMENTAL DEVELOPMENT,

Plaintiff and Petitioner,

vs.

REDEVELOPMENT AGENCY OF THE CITY OF  
SAN DIEGO; CITY OF SAN DIEGO; CENTRE  
CITY DEVELOPMENT CORPORATION, INC.;  
SOUTHEASTERN ECONOMIC DEVELOPMENT  
CORPORATION; and DOES 1 through 100,

Defendants and Respondents.

CASE NO. 37-2007-00072076-CU-CO-CTL

VERIFIED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF AND PETITION FOR WRIT OF  
MANDATE UNDER THE COMMUNITY  
REDEVELOPMENT LAW AND THE  
CALIFORNIA PUBLIC RECORDS ACT

Plaintiff and Petitioner CITIZENS FOR RESPONSIBLE EQUITABLE ENVIRONMENTAL  
DEVELOPMENT ("CREED") alleges as follows in this Verified Complaint for Declaratory and  
Injunctive Relief and Petition for Writ of Mandate under the Community Redevelopment Law and the  
California Public Records Act:

**Introductory Statement**

1 CREED brings this action under the Community Redevelopment Law ("CRL") and the  
California Public Records Act ("Act"). CREED submitted a written request to inspect and obtain  
copies of certain public records in the possession of Defendants/Respondents, but they have failed to

A

B

C

1 respond in full as required by the CPRA. What little they did say, however, demonstrates that they have  
2 violated the CRL.

### 3 Parties

4 2 CREED is a non-profit corporation formed and operating under the laws of the State of  
5 California. Its purpose is, among other things, to advocate for responsible and equitable environmental  
6 development for members of the public. Its members include citizens and taxpayers residing in or doing  
7 business in the City of San Diego.

8 3. Defendants/Respondents REDEVELOPMENT AGENCY OF THE CITY OF SAN  
9 DIEGO ("RASD"), CITY OF SAN DIEGO ("CITY"), CENTRE CITY DEVELOPMENT  
10 CORPORATION, INC. ("CCDC"), and SOUTHEASTERN ECONOMIC DEVELOPMENT  
11 CORPORATION ("SEDC") are local agencies under the CPRA (*see* GOV'T CODE § 6252(a)).  
12 Defendant and Respondent RASD is an agency under the CRL (*see* HEALTH & SAFETY CODE § 33003).

13 4. The true names and capacities of the Defendants/Respondents identified as DOES 1  
14 through 100 are unknown to CREED, who will seek the Court's permission to amend this pleading in  
15 order to allege the true names and capacities as soon as they are ascertained. CREED is informed and  
16 believes and on that basis alleges that each of the fictitiously named Defendants/Respondents 1 through  
17 100 has jurisdiction by law over one or more of the acts and omissions that are the subject of this  
18 proceeding or has some other cognizable interest in the outcome of this proceeding.

19 5. CREED is informed and believes and on that basis alleges that, at all times stated in this  
20 pleading, each Defendant/Respondent was the agent, servant, or employee of each other  
21 Defendant/Respondent and was, in doing the things alleged in this pleading, acting within the scope of  
22 said agency, servitude, or employment and with the full knowledge or subsequent ratification of his  
23 principals, masters, and employers. Alternatively, in doing the things alleged in this pleading, each  
24 Defendant/Respondent was acting alone and solely to further his own interests.

### 25 Jurisdiction and Venue

26 6. The Court has jurisdiction over this proceeding pursuant to Government Code Sections  
27 6258 and 6259, Code of Civil Procedure Section 1060 *et seq.*, and Code of Civil Procedure Section  
28 1084 *et seq.*

1           7.       Venue in this Court is proper because the obligations, liabilities, and violations of law  
2 alleged in this pleading occurred in the City of San Diego.

3                               **FIRST CAUSE OF ACTION:**  
4                               **Violation of the California Public Records Act**  
5                               **(Against All Defendants/Respondents)**

6           8.       Paragraphs 1 through 7 are fully incorporated into this paragraph.

7           9.       On or about July 16, 2007, CREED submitted a letter to Defendants/Respondents asking  
8 for the following items pursuant to the CPRA:

9                   “1a.    The annual report presented by the Redevelopment Agency of  
10                   the City of San Diego to its legislative body as required by  
11                   Health and Safety Code Section 33080.1 for the fiscal year  
12                   ending in 2000.

13                   “1b.   The annual report presented by the Redevelopment Agency of  
14                   the City of San Diego to its legislative body as required by  
15                   Health and Safety Code Section 33080.1 for the fiscal year  
16                   ending in 2001.

17                   “1c.   The annual report presented by the Redevelopment Agency of  
18                   the City of San Diego to its legislative body as required by  
19                   Health and Safety Code Section 33080.1 for the fiscal year  
20                   ending in 2002.

21                   “1d.   The annual report presented by the Redevelopment Agency of  
22                   the City of San Diego to its legislative body as required by  
23                   Health and Safety Code Section 33080.1 for the fiscal year  
24                   ending in 2003.

25                   “1e.   The annual report presented by the Redevelopment Agency of  
26                   the City of San Diego to its legislative body as required by  
27                   Health and Safety Code Section 33080.1 for the fiscal year  
28                   ending in 2004.

                  “1f.    The annual report presented by the Redevelopment Agency of  
                  the City of San Diego to its legislative body as required by  
                  Health and Safety Code Section 33080.1 for the fiscal year  
                  ending in 2005.

                  “1g.    The annual report presented by the Redevelopment Agency of  
                  the City of San Diego to its legislative body as required by  
                  Health and Safety Code Section 33080.1 for the fiscal year  
                  ending in 2006.

                  “1h.    The annual report presented by the Redevelopment Agency of  
                  the City of San Diego to its legislative body as required by  
                  Health and Safety Code Section 33080.1 for the fiscal year  
                  ending in 2007.

                  “2.     For each and every fiscal year described in the preceding  
                  requests, all public records informing the Redevelopment



Agency of the City of San Diego's legislative body of major violations of the Community Redevelopment Law as required by Health and Safety Code Section 33080.2(a).

"3. The minutes for each and every meeting at which the Redevelopment Agency of the City of San Diego's legislative body took any ACTION as required by Health and Safety Code Section 33080.2(b). (As used in this request, "ACTION" means action that the legislative body deemed appropriate on a report submitted pursuant to Health and Safety Code Section 33080.1.)

"4. All statements of indebtedness and reconciliation reports filed by the Redevelopment Agency of the City of San Diego under Health and Safety Code Section 33675(b) from January 1, 2000, through the date of this request."

(True and correct copies of CREED's requests are attached to this pleading as Exhibit "A" and incorporated by reference.)

10. Government Code Section 6253(c) provides as follows: "Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. \* \* \*

11. On or about July 26, 2007, Eric Symons responded on behalf of Defendants/Respondents to items 1a through 1h of CREED's request. Mr. Symons indicated that "the independent financial audit reports . . . are not available to date for fiscal years 2003-2006. . . ." Mr. Symons did not respond to items 2 through 4 of CREED's request. (A true and correct copy of the response by Mr. Symons is attached to this pleading as Exhibit "B" and incorporated by reference.)

12. On or about July 27, 2007, CREED replied to Mr. Symons by asking, among other things, about the status of a response to items 2 through 4 of CREED's request. CREED received no answer to its reply to Mr. Symons. (A true and correct copy of CREED's reply to Mr. Symons is attached to this pleading as Exhibit "C" and incorporated by reference.)

13. Items 2 through 4 of CREED's request are public records under the CPRA.

14. The failure of Defendants/Respondents to respond to CREED's request with respect to items 2 through 4 and allow CREED to inspect and obtain copies of the requested public records is unlawful under the CPRA.

001109

15. CREED has been injured as a result of the unlawful failure of Defendants/Respondents to respond to CREED's request with respect to items 2 through 4 and allow CREED to inspect and obtain copies of the requested public records, but money damages are an insufficient legal remedy.

**SECOND CAUSE OF ACTION:**  
**Writ of Mandate under Code of Civil Procedure Section 1084 et seq.**  
(Against All Defendants/Respondents for CPRA Violations)

16. Paragraphs 1 through 15 are fully incorporated into this paragraph.

17. The CPRA requires Defendants/Respondents to permit CREED to inspect and obtain copies of items 2 through 4 of CREED's request that are not exempt from disclosure.

18. Defendants/Respondents had and continue to have a mandatory public duty under the CPRA to permit CREED to inspect and obtain copies of items 2 through 4 of CREED's request because they are public records that are not exempt from disclosure. The persistence of Defendants/Respondents in failing to permit CREED to inspect and obtain copies of these items violates the CPRA and denies CREED of public information to which it is entitled under the CPRA.

**THIRD CAUSE OF ACTION:**  
**Violation of the Community Redevelopment Law**  
(Against All Defendants/Respondents except CITY)

19. Paragraphs 1 through 18 are fully incorporated into this paragraph.

20. Health and Safety Code Section 33080.1 requires every redevelopment agency to present an annual report to its legislative body within six months of the end of the agency's fiscal year.

21. Defendants/Respondents failed to present annual reports to RASD's legislative body for fiscal years 2003, 2004, 2005, and 2006, even though more than six months has passed since the end of each of those fiscal years.

22. The failure of Defendants/Respondents to present the annual reports for fiscal years 2003, 2004, 2005, and 2006 to RASD's legislative body is unlawful under the CRL.

23. CREED has been injured as a result of the unlawful failure of Defendants/Respondents to present the annual reports for fiscal years 2003, 2004, 2005, and 2006 to RASD's legislative body, but money damages are an insufficient legal remedy.

**FOURTH CAUSE OF ACTION:**  
**Writ of Mandate under Code of Civil Procedure Section 1084 *et seq.***  
**(Against All Defendants/Respondents except CITY for CRL Violations)**

24. Paragraphs 1 through 23 are fully incorporated into this paragraph.

25. The CRL requires Defendants/Respondents to present an annual report to RASD's legislative body for fiscal years 2003, 2004, 2005, and 2006 within six months of the end of each fiscal year.

26. Defendants/Respondents had and continue to have a mandatory public duty under the CRL to present an annual report to RASD's legislative body for fiscal years 2003, 2004, 2005, and 2006. The persistence of Defendants/Respondents in failing to present the annual reports to RASD's legislative body violates the CRL and denies CREED and other members of the public of the information and legal protections to which they are entitled under the CRL.

**Prayer**

For all these reasons, CREED respectfully prays for the following relief against Defendants/Respondents jointly and severally:

1. On the First Cause of Action:

- A. Preliminary and permanent injunctive relief directing them to permit CREED to inspect and obtain copies of the requested public records; and
- B. An order determining and declaring that their failure to permit CREED to inspect and obtain copies of the requested public records does not comply with the CPRA.

2. On the Second Cause of Action:

- A. An order determining and declaring that their failure to permit CREED to inspect and obtain copies of the requested public records does not comply with the CPRA; and
- B. A writ of mandate (i) ordering them to comply with the CPRA and (ii) prohibiting each of them from refusing to permit CREED to inspect and obtain copies of the requested public records.

1           3.     On the Third Cause of Action:

- 2           A.     Preliminary and permanent injunctive relief *(i)* directing them to present annual  
3                 reports for fiscal years 2003, 2004, 2005, and 2006 to RASD's legislative body  
4                 and *(ii)* prohibiting them from receiving or expending any funds or incurring any  
5                 debt unless and until they fully comply with the CRL; and  
6           B.     An order determining and declaring that their failure to present the annual  
7                 reports for fiscal years 2003, 2004, 2005, and 2006 to RASD's legislative body  
8                 does not comply with the CRL.

9           4.     On the Fourth Cause of Action:

- 10          A.     An order determining and declaring that their failure to present annual reports  
11                 for fiscal years 2003, 2004, 2005, and 2006 to RASD's legislative body does not  
12                 comply with the CRL; and  
13          B.     A writ of mandate *(i)* ordering them to comply with the CRL and *(ii)* prohibiting  
14                 each of them from *(a)* refusing to present annual reports for fiscal years 2003,  
15                 2004, 2005, and 2006 to RASD's legislative body and *(b)* receiving or  
16                 expending any funds and incurring any debt unless and until they fully comply  
17                 with the CRL.

18          5.     On All Causes of Action:

- 19          A.     An order providing for the Court's continuing jurisdiction over this proceeding  
20                 in order to ensure that they comply with the CRL, the CPRA, and all other  
21                 applicable laws;  
22          B.     All attorney fees and other legal expenses incurred by CREED in connection  
23                 with this proceeding; and  
24

25  
26                                 [This space is intentionally blank.]  
27  
28

C. Any further relief that this Court may deem appropriate.

Date: July 31, 2007.

Respectfully submitted,

BRIGGS LAW CORPORATION  
Cory J. Briggs  
Karen L. Skaret

By:

Cory J. Briggs

Attorneys for Plaintiff and Petitioner Citizens for  
Responsible Equitable Environmental Development

001113

**VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND  
PETITION FOR WRIT OF MANDATE UNDER THE COMMUNITY  
REDEVELOPMENT LAW AND THE CALIFORNIA PUBLIC RECORDS ACT**

Exhibit "A"

001115

## BRIGGS LAW CORPORATION

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Upland, CA 91786

Telephone: 909-949-7115  
Facsimile: 909-949-7121

BLC File(s): 1007.99

16 July 2007

Public Records Officer  
City of San Diego  
c/o City Clerk Elizabeth Maland  
202 C Street, 2nd Floor  
San Diego, CA 92101

Via Facsimile and U.S. Mail

Re: Request to Inspect and Obtain Copies of Public Records

Dear Public Records Officer:

On behalf of Citizens for Responsible Equitable Environmental Development and pursuant to the California Public Records Act (GOV'T CODE § 6250 *et seq.*), I am writing to request an opportunity to inspect and obtain copies of the "public records" (as that term is defined under the Act) listed on *Attachment 1: Categories of Requested Public Records* to this request.

I ask that you make a determination on this request within 10 days of your receiving it, or even sooner if you can do so without having to review the responsive records. If you believe that any of these records is exempt from disclosure, I urge you to note in your reply whether the exemption is discretionary and, if so, whether you are required to exercise your discretion to withhold the record in this particular case. If you determine that any portion of the responsive records is exempt from disclosure and that you intend to withhold that portion, I ask that you redact that portion for the time being and make the other portion available as requested. In any event, please respond with a signed notification citing the legal authorities on which you rely if you determine that any portion of the responsive records, if not all of them, is exempt and will not be disclosed.

If public records responsive to this request are available in one or more non-paper formats (including but not limited to electronic, magnetic, or digital formats), make sure that your response to this request includes production of all responsive records in non-paper formats even if the records are also available in paper format. If there are no records responsive to a particular category listed on *Attachment 1*, please confirm in writing that such records do not exist; and if responsive records used to exist but have been lost, stolen, or destroyed, please (i) identify the date of loss, theft, or destruction and (ii) provide a copy of all available evidence of the loss, theft, or destruction.

All responsive records must be produced for inspection before my client will pay for copies, unless I agree otherwise in writing after receiving your estimate of copying costs.

*Be Good to the Earth: Reduce, Reuse, Recycle*



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Public Records Officer  
City of San Diego

July 16, 2007

Page 2

Furthermore, my client reserves the right to make its own reproduction of the responsive records, at its own expense.

This request is also being made pursuant to Health and Safety Code Section 33080(b).

Thank you for your time and attention to this matter. If I can provide any clarification that will help you to expedite this request, please do not hesitate to contact me.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs





**Attachment 1: Categories of Requested Public Records**

- 1a. The annual report presented by the Redevelopment Agency of the City of San Diego to its legislative body as required by Health and Safety Code Section 33080.1 for the fiscal year ending in 2000.
- 1b. The annual report presented by the Redevelopment Agency of the City of San Diego to its legislative body as required by Health and Safety Code Section 33080.1 for the fiscal year ending in 2001.
- 1c. The annual report presented by the Redevelopment Agency of the City of San Diego to its legislative body as required by Health and Safety Code Section 33080.1 for the fiscal year ending in 2002.
- 1d. The annual report presented by the Redevelopment Agency of the City of San Diego to its legislative body as required by Health and Safety Code Section 33080.1 for the fiscal year ending in 2003.
- 1e. The annual report presented by the Redevelopment Agency of the City of San Diego to its legislative body as required by Health and Safety Code Section 33080.1 for the fiscal year ending in 2004.
- 1f. The annual report presented by the Redevelopment Agency of the City of San Diego to its legislative body as required by Health and Safety Code Section 33080.1 for the fiscal year ending in 2005.
- 1g. The annual report presented by the Redevelopment Agency of the City of San Diego to its legislative body as required by Health and Safety Code Section 33080.1 for the fiscal year ending in 2006.
- 1h. The annual report presented by the Redevelopment Agency of the City of San Diego to its legislative body as required by Health and Safety Code Section 33080.1 for the fiscal year ending in 2007.
- 2. For each and every fiscal year described in the preceding requests, all public records informing the Redevelopment Agency of the City of San Diego's legislative body of major violations of the Community Redevelopment Law as required by Health and Safety Code Section 33080.2(a).

[Attachment 1 continues on next page.]



**Attachment 1: Categories of Requested Public Records**

3. The minutes for each and every meeting at which the Redevelopment Agency of the City of San Diego's legislative body took any ACTION as required by Health and Safety Code Section 33080.2(b). (As used in this request, "ACTION" means action that the legislative body deemed appropriate on a report submitted pursuant to Health and Safety Code Section 33080.1.)
4. All statements of indebtedness and reconciliation reports filed by the Redevelopment Agency of the City of San Diego under Health and Safety Code Section 33675(b) from January 1, 2000, through the date of this request.

*[Attachment 1 ends here.]*



001119

**VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND  
PETITION FOR WRIT OF MANDATE UNDER THE COMMUNITY  
REDEVELOPMENT LAW AND THE CALIFORNIA PUBLIC RECORDS ACT**

Exhibit "B"



## THE CITY OF SAN DIEGO

July 26, 2007

VIA FACSIMILE TO (909) 949-7121 &amp; U.S. MAIL

Cory J. Briggs  
Briggs Law Corporation  
99 East "C" Street, Suite 111  
Upland, CA 91786

Reference: Public Records Act Request of July 16, 2007

Dear Cory Briggs:

Reference is made to the above-mentioned public records act request dated July 16, 2007 made by your firm regarding fiscal year annual reports presented by the Redevelopment Agency to its legislative body.

The reporting on Agency activities pertaining to housing and the alleviation of blight among other items is performed by Agency staff. This information has been compiled each fiscal year and reported to the State in accordance with the law. The State's summary of this data for the Agency is available online through Fiscal Year 2005 at <http://www.hcd.ca.gov/hpd/rda/04-05/rdasum04-05.pdf>. The State's summary of FY 2006 data should be available online by August 2007.

While the Agency compiled the available data (with exception of the independent financial audit reports which are not available to date for fiscal years 2003-2006) and consistently submitted the data to the State each fiscal year in accordance with the law, records indicate that the Agency has not presented annual reports as a formal agenda item to the City Council. As a practical matter, the information typically contained in these reports has been reviewed by the Agency (and thus the City Council) each year as a part of the review and approval of the Agency's annual budget.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Symons".

Eric Symons  
Communications Manager

cc: Janice Weinrick, Deputy Executive Director, Redevelopment Agency  
Scott Mercer, Supervising Management Analyst, City Redevelopment Division



City Planning and Community Investment

202 C Street, MS 4A • San Diego, CA 92101-3864  
tel (619) 235-5200 Fax (619) 533-5951

001122

**VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND  
PETITION FOR WRIT OF MANDATE UNDER THE COMMUNITY  
REDEVELOPMENT LAW AND THE CALIFORNIA PUBLIC RECORDS ACT**

Exhibit "C"



Affn: Joe Deegan  
8.1.19 19

#337  
4-21-92

The City of San Diego

# MANAGER'S REPORT

DATE ISSUED: April 14, 1992 REPORT NO. P-92-097

ATTENTION: Honorable Mayor and City Councilmembers, Agenda of April 21, 1992.

SUBJECT: MISSION VALLEY COMMUNITY PLAN/GENERAL PLAN AMENDMENT.

REFERENCE: City Council Hearings of July 9 and 23, 1990 regarding the Mission Valley Planned District Ordinance.

## SUMMARY:

Issues: - This report addresses an amendment to the Mission Valley Community Plan and the Progress Guide and General Plan to redesignate several hillside areas south of Interstate 8 from various commercial designations to open space. In addition, other amendments to the Mission Valley Community Plan are proposed to correct boundary errors and add clarity to the Plan regarding the Mission Valley West Light Rail Transit line and specific plan areas.

Planning Commission Recommendation: - On January 23, 1992, the Planning Commission voted 5 to 0 to approve and recommend City Council adoption of the proposed Mission Valley Community Plan/General Plan Amendment.

Manager's Recommendation: - APPROVE the proposed Mission Valley Community Plan/General Plan Amendment.

Community Planning Group Recommendation: - On February 5, 1992, the Mission Valley Unified Planning Committee voted 15-0-1 to approve the Mission Valley Community Plan/General Plan Amendment.

Other Recommendations: - On January 21, 1992, the Greater North Park Planning Committee voted 8-0-3 to approve the Mission Valley Community Plan/General Plan Amendment. On February 4, 1992, Uptown Planners voted 17-0-1 to approve the project. The Normal Heights and Kensington-Talmadge community planning groups have been notified of the proposal but have not submitted recommendations to date.

P-279817

001125

# Mission Valley Planned Development Ordinance

ADTS

151403A Table

Development Intensity District K

424 ADTS

Gross Acre / DAY

Map - Appendix D

Steep: > 12 ft. vertical rise for  
four ft. horizontal

Pacific Coast Office Building

Mitigated Negative Declaration states:

Only 100 Acres  $\neq$  steep.

$\therefore$  only 4 ADTS/DAY

1514.0301(d)AC

Land Area within steep hillside  
shall not be used to calculate ADT  
allocation.

ERRATA FOR THE  
REDEVELOPMENT PLAN FOR THE CENTRE CITY PROJECT

100.4 This Redevelopment Plan (the "Plan") for the Centre City Redevelopment Project (the "Project") is a compilation and continuation of the Redevelopment Plans for the merged Columbia, Marina and Gaslamp Quarter Projects, and also applies to the area added to the merged Projects by the Merger and Expansion Amendments to the Columbia, Marina and Gaslamp Quarter Redevelopment Projects approved and adopted by the City Council on May 11, 1992, by Ordinance No. 0-17767 (New Series) (the "Merger and Expansion Amendments"). For purposes of this Plan, the area formerly covered by the separate Columbia Project is referred to as the Columbia Sub Area, the area formerly covered by the separate Marina Project is referred to as the Marina Sub Area, the area formerly covered by the separate Gaslamp Quarter Project is referred to as the Gaslamp Quarter Sub Area, and the area added by the Merger and Expansion Amendments is referred to as the Expansion Sub Area. The entire area covered by this Plan is referred to as the Centre City Redevelopment Project Area or the "Project Area."

100.5 This Plan consists of the Text, the Legal Description of the Project Area Boundaries (Attachment No. 1), the Project Area Map (Attachment No. 2), and the Description of Publicly-Owned Facilities (Attachment No. 3) ~~and the Land Use Map (Attachment No. 4)~~. The Plan, as compiled and revised by the Merger and Expansion Amendments, was prepared by the Redevelopment Agency of the City of San Diego (the "Agency") pursuant to the Community Redevelopment Law of the State of California (Health & Safety Code Sections 33000, et seq.), the California Constitution, and all applicable local laws and ordinances.

100.6 The proposed redevelopment of the Project Area as described in this Plan conforms to the Progress Guide and General Plan for the City of San Diego adopted by Resolution No. 222918 of the City Council on February 26, 1979, as amended, and the Centre City Community Plan adopted by Resolution No. R-279876 of the City Council on April 28, 1992.

100.7 This Plan, as compiled and revised by the Merger and Expansion Amendments, is based upon a Preliminary Redevelopment Plan formulated and adopted by the Planning Commission of the



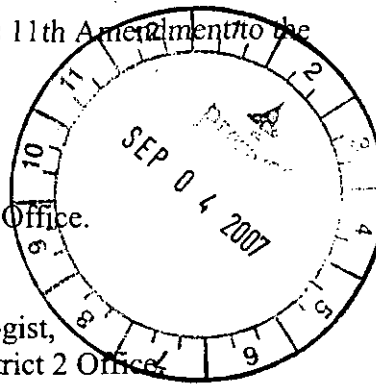
## MEETING SUMMARY.

**Subject:** Active Faults in Downtown San Diego and CCDC's 11th Amendment to the Downtown Community Plan and EIR.

**When:** Monday, August 27, at 9:00 am.

**Where:** 15th Floor Conference Room of the City Attorney's Office.

**Attendees:** Mr. Robert Manis of DSD,  
Mr. Werner Landry of DSD and also the City Geologist,  
Mr. Paul McNeil of Kevin Faulconer's Council District 2 Office,  
Mr. Brad Richter of CCDC,  
Ms. Shirley Edwards of the City Attorney's Office,  
Mr. Houston Carlyle of the City Attorney's Office,  
Ms. Katheryn Rhodes a concerned Citizen.



**Background:** During the July 31, 2007 City Council Meeting regarding CCDC's 11th Amendment to the Downtown Community Plan, Katheryn Rhodes mentioned three incorrect maps that do not show the active Coronado Fault or the active Spanish Bight Fault in the official Downtown Community Plan and associated EIR. The three maps that need corrections include:

Figure 13-1 - Topography, Faults and Liquefaction (Downtown Community Plan, Page 13-3).  
<[http://www.ccdc.com/resources/resource\\_files/SDCP\\_13\\_Health\\_Safety.pdf](http://www.ccdc.com/resources/resource_files/SDCP_13_Health_Safety.pdf)>

Figure 5.5-1 - Geologic Formations and Faults (EIR, Chapter 5, Page 151).  
<[http://media.ccdc.com/resources/resource\\_files/FEIR\\_05\\_Environmental\\_Impacts.pdf](http://media.ccdc.com/resources/resource_files/FEIR_05_Environmental_Impacts.pdf)>

Figure 5.5-2 - Geologic Hazards (EIR, Chapter 5, Page 153).  
<[http://media.ccdc.com/resources/resource\\_files/FEIR\\_05\\_Environmental\\_Impacts.pdf](http://media.ccdc.com/resources/resource_files/FEIR_05_Environmental_Impacts.pdf)>

Council Persons Kevin Faulconer and Donna Frye, tasked Mr. Richter of CCDC and the City Attorney's office with analyzing and changing the maps, as appropriate, to conform with the official State of California Alquist-Priolo Earthquake Fault Zone map for the Point Loma Quadrangle, Effective May 1, 2003.  
<[http://www.laplayaheritage.com/La%20Playa/point\\_loma%20Quad%20AP%20Zone.pdf](http://www.laplayaheritage.com/La%20Playa/point_loma%20Quad%20AP%20Zone.pdf)>

**Discussion and Agreement:** All agreed that the three maps need to be updated to conform to existing conditions. Required changes to the three maps include revisions showing both the Coronado Fault and the Spanish Bight Fault of the Rose Canyon Fault Zone (RCFZ) as active and in the Alquist-Priolo Earthquake Fault Zone. In addition, the western boundary of the Downtown Special Studies Zone needs to be changed to the United States Bulkhead Line of San Diego Bay to conform to the legal area stated in Footnote 3, of Sheet 3, of the City of San Diego's 1995 Seismic Safety Study (see attached document).

Mr. Richter of CCDC will contact the consultant that wrote the Downtown Community Plan and associated EIR. Mr. Landry, the City Geologist, will work with the consultant to make the required changes to the maps and submit them to Mr. Richter for inclusion into the Downtown Community Plan and EIR. The changes to the three referenced maps will not be part of the 11<sup>th</sup> Update to the Downtown Community Plan, but will instead be officially introduced as part of the 12<sup>th</sup> Update or sooner, if possible.

**Respectfully Submitted,**

Katheryn Rhodes, 371 San Fernando Street, San Diego, California 92106, (619) 523-4350,  
[rhodes@laplayaheritage.com](mailto:rhodes@laplayaheritage.com)

3. **FAULTS AND FAULT ZONES - HAZARD CATEGORY 11, 12 AND 13.** Active and potentially active faults are defined in the most recent edition of "Fault-Rupture Hazard Zones in California," Special Publication 42, California Department of Conservation, Division of Mines and Geology, a copy of which is on file at the office of the City Clerk.

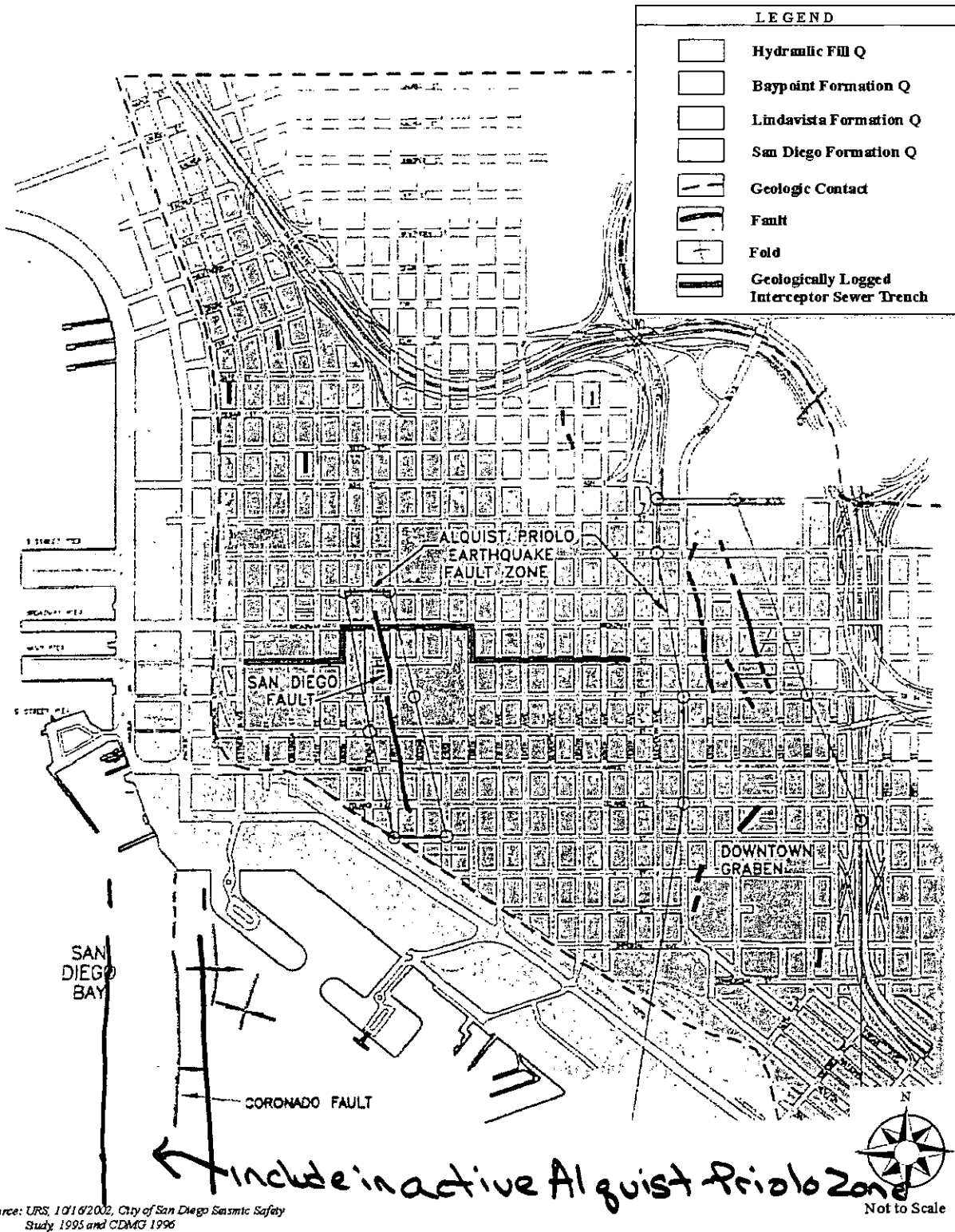
Fault zones define the limits within which faults are suspected. Fault zones include the Alquist-Priolo Earthquake Fault Zones, The Downtown Special Fault Zone, as well as the area one hundred (100) feet on both sides of the fault lines indicated on the current San Diego Seismic Safety Study (SDSSS) maps. Refer to SDSSS maps for location of faults and fault zones.

The Downtown Special Fault Zone consists of an area beginning at the intersection of the centerline of Laurel Street and the centerline of Highway 163, thence in a general westerly and southwesterly direction along the centerline of Laurel Street to the intersection of the centerline of Harbor Drive, thence westerly to the intersection of the US Bulkhead line of San Diego Bay, thence in a general southerly and southeasterly direction along said Bulkhead line to an intersection of the southwesterly prolongation of the centerline of 28th Street, thence northerly along the centerline of 28th Street to the intersection of the centerline of Ocean View Boulevard, thence northwesterly along the centerline of Ocean View Boulevard to the intersection of the centerline of 25th Street to the intersection of the centerline of Russ Boulevard, thence westerly along the prolongation of the centerline of Russ Boulevard to the intersection of the centerline of Highway I-5, thence in a general northerly and westerly direction along the centerline of Highway I-5 to the intersection of the centerline of Highway 163, thence generally northerly along the centerline of Highway 163 to the point or place of beginning.

4. **LIQUEFACTION POTENTIAL - HAZARD CATEGORY 31 AND 32.** When an investigation is required, adhere to Section 1804.5 of the Uniform Building Code for minimum requirements.

5. **GEOLOGIC STUDY.** An investigation of the geologic condition is required for sites where geologic hazards are suspected, prior to obtaining a building permit. The investigation will either consist of a preliminary study, a "Geologic Reconnaissance," or an in-depth study including field work and analysis, a "Geologic Investigation." The geologic reconnaissance report and the geologic investigation report shall include all pertinent requirements as established by the Building Official. All reports shall be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports," on file with the City Clerk. These minimum requirements shall be augmented by geologic evaluations pertinent to the type of proposed project and anticipated method of construction, which elements should be described in the report. For buildings located in both a fault zone and a hazard category zone, the most restrictive requirement shall govern.

Regardless of the requirements of Table 3-A, the Building Official may require a geologic reconnaissance report or a geologic investigation report for any site if the Building Official has reason to believe that a geologic hazard may exist at the site.



Geologic Formations and Faults \_\_\_\_\_ Figure 5.5-1

Downtown EIR

001132

Figure 13-1  
Topography, Faults  
and Liquefaction

CENTRE CITY COMMUNITY PLAN

Downtown  
Special Study  
Zone Extends  
to the US  
Bulkhead  
Line

Active Alquist Priolo

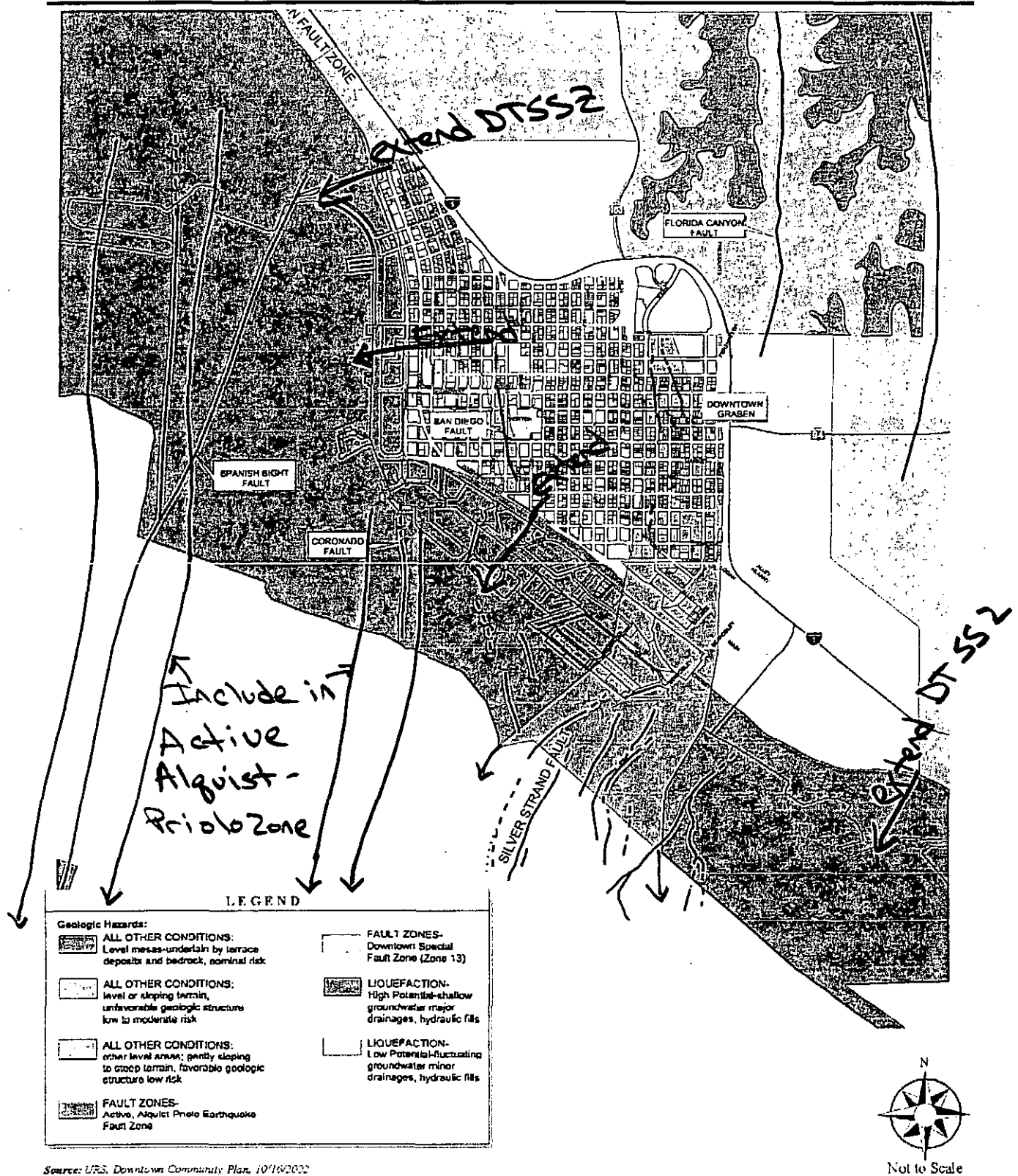
- Known Fault
- Inferred Fault
- Liquefaction: high potential
- Alquist Priolo Fault Zone
- Downtown Special Fault Zone
- Elevation
- Trolley



10  
acres

0 500 1000 2000  
FEET

Downtown Community Plan  
Figure 13-1

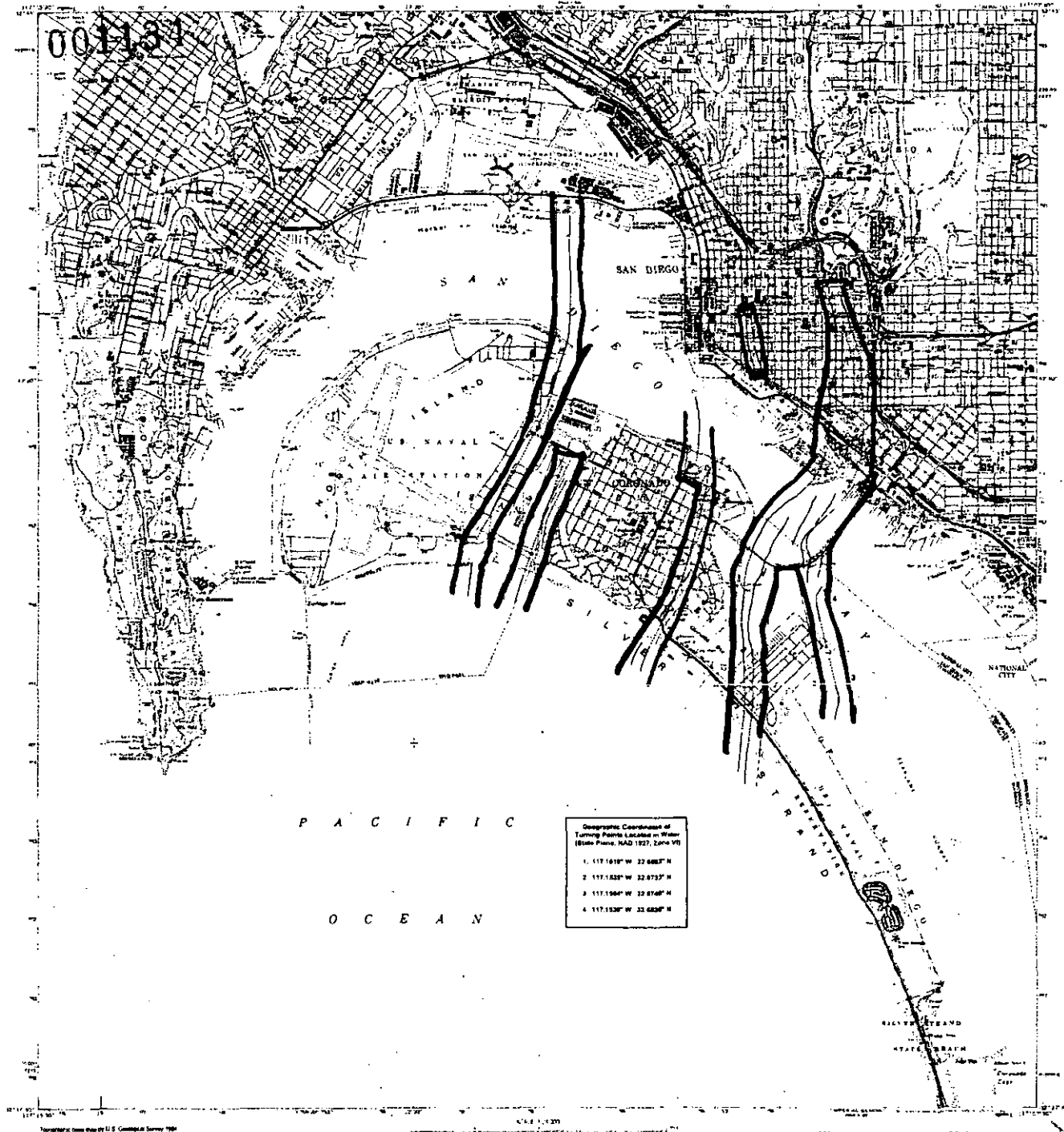


Geologic Hazards

Figure 5.5-2

Downtown EIR

001431



P A C I F I C  
O C E A N

Geographic Coordinates of Turning Points Located in Water (State Plane, NAD 1983, Zone VI)	
1.	117°18'10" W 32°48'27" N
2.	117°18'25" W 32°47'52" N
3.	117°18'40" W 32°47'40" N
4.	117°18'50" W 32°48'20" N

#### MAP EXPLANATION



**Active Faults**  
Faults considered to have been active during Holocene time and have potential for surface rupture. Solid line shows active faults with known or suspected movement; dashed line shows faults with suspected movement. Short dash where inferred, dotted where correlated. Every (7) indicates and time uncertainty. Evidence of historic seismicity collected by year of earthquake-associated event or C for displacement caused by fault creep.

#### Earthquake Fault Zone Boundaries

These are determined as straight-line segments that connect anchored turning points as set to define Earthquake Fault Zone segments.

Turning points located in water and denoted by geographic coordinates.

Seaward projection of zone boundary.

Copyright © 2003 by the California Department of Conservation,  
California Geological Survey. All rights reserved.

## STATE OF CALIFORNIA EARTHQUAKE FAULT ZONES

Chapter 7.5, Division 2 of the California Public Resources Code

### POINT LOMA QUADRANGLE

### REVISED OFFICIAL MAP

Effective May 1, 2003

*James F. Davis* State Geologist

#### REFERENCES USED TO COMPILE FAULT DATA

Point Loma Quadrangle  
Kanamori, W. R., and others. 1984. Catalog of active faults in the San Diego Bay area. California Department of Water and Control, San Diego, 11 p. 1984.  
Kanamori, W. R., and others. 1984. Catalog of active faults in the San Diego Bay area. California Department of Water and Control, San Diego, 11 p. 1984.  
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Kanamori, W. R., and others. 1984. Catalog of active faults in the San Diego Bay area. California Department of Water and Control, San Diego, 11 p. 1984.  
Kanamori, W. R., and others. 1984. Catalog of active faults in the San Diego Bay area. California Department of Water and Control, San Diego, 11 p. 1984.

#### IMPORTANT - PLEASE NOTE

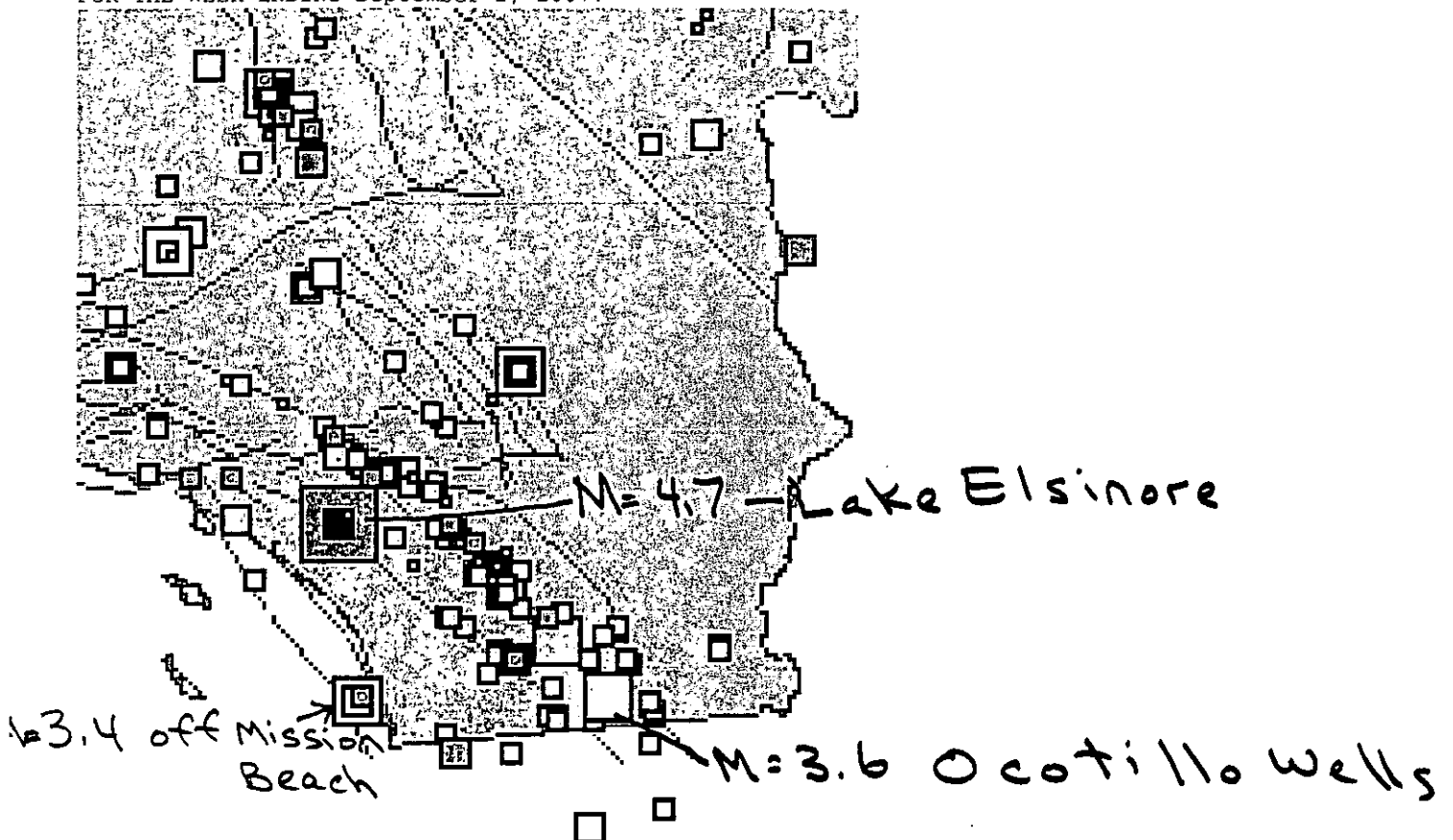
- This map may not show all faults that have the potential for surface fault rupture, either within the Earthquake Fault Zones or outside their boundaries.
- Faults shown on this map for establishing the boundaries of the Earthquake Fault Zones.
- The identification and location of these faults are based on the best available data. However, the quality of data used is varied. Faults have been drawn as accurately as possible at this map scale.
- Fault information on this map is not sufficient to serve as a substitute for the geologic site investigations required under Chapter 7.5 of Division 2 of the California Public Resources Code.
- This map does not show Seismic Hazard Zones. If any that may exist in this area. Please refer to the latest Official Maps of Seismic Hazard Zones for delineations and other actions that are indicated by the Seismic Hazard Mapping Act. For more information on this subject see DWS Special Publication 117.
- DISCLAIMER:** The State of California and the Department of Conservation make no representations or warranties regarding the accuracy of the data from which this map was derived. Neither the State nor the Department shall be liable under any circumstances for any direct or indirect economic, personal or consequential damages with respect to any claim by any user in any third party on account of or arising from the use of this map.

<<http://quake.usgs.gov/recenteqs/>>

3.4	2007/08/30 02:53:08	32.768N	117.337W	10.6	12 km ( 7 mi) SW of La Jolla, CA
2.7	2007/08/30 14:36:44	32.771N	117.333W	10.5	11 km ( 7 mi) SW of La Jolla, CA
1.8	2007/08/30 14:36:05	32.766N	117.343W	10.9	12 km ( 8 mi) SW of La Jolla, CA
1.6	2007/08/30 07:44:46	32.770N	117.332W	11.1	11 km ( 7 mi) SW of La Jolla, CA
2.5	2007/09/02 18:31:15	33.736N	117.476W	10.2	13 km ( 8 mi) WNW of Lake Elsinore, CA
4.7	2007/09/02 10:29:14	33.733N	117.466W	2.5	13 km ( 8 mi) WNW of Lake Elsinore, CA
3.6	2007/08/28 21:13:48	33.105N	116.052W	11.9	9 km ( 5 mi) ESE of Ocotillo Wells, CA



FOR THE WEEK ENDING September 2, 2007.

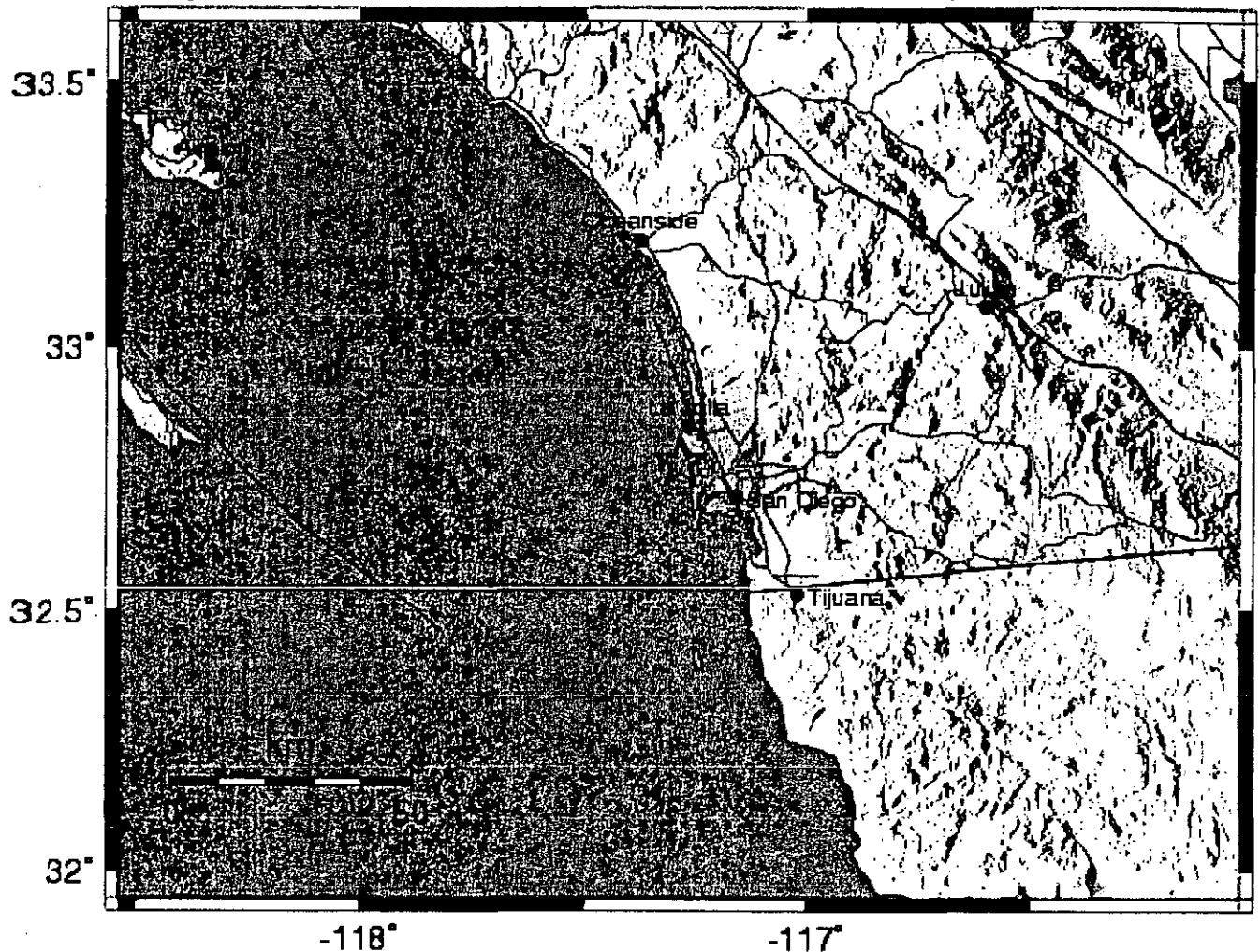




001136

CISN ShakeMap : 1.9 mi W of Mission Beach, CA

Thu Aug 30, 2007 02:53:08 AM PDT M 3.5 N32.78 W117.29 Depth: 7.9km ID:10274201



Map Version 4 Processed Thu Aug 30, 2007 04:08:37 AM PDT, - NOT REVIEWED BY HUMAN

PERCEIVED SHAKING	Not felt	Weak	Light	Moderate	Strong	Very strong	Severe	Violent	Extreme
POTENTIAL DAMAGE	none	none	none	Very light	Light	Moderate	Moderate/Heavy	Heavy	Very Heavy
PEAK ACC.(%)	<.17	.17-1.4	1.4-3.9	3.9-9.2	9.2-18	18-34	34-65	65-124	>124
PEAK VEL.(cm/s)	<0.1	0.1-1.1	1.1-3.4	3.4-8.1	8.1-16	16-31	31-60	60-116	>116
INSTRUMENTAL INTENSITY	I	II-III	IV	V	VI	VII	VIII	IX	X



EX. A

341

001187

## HILLSIDES

Hillsides are geological features on the landscape whose slope and soils are in a balance with vegetation, underlying geology and the amount of precipitation. Maintaining this equilibrium reduces the danger to public health and safety posed by unstable hillsides. Development affects this equilibrium. Disturbance of hillsides can result in the loss of slope and soil stability, increased run-off, and intensified erosion; it can also destroy a community's aesthetic resources. The southern slopes of Mission Valley mark the community's boundary and provide an attractive and distinctive setting.

The open space areas shown in the *General Plan and Progress Guide* for the City of San Diego are predominantly comprised of steep hillsides and small undeveloped canyons. The southern slopes of Mission Valley are identified as part of that open space system. The major portion of the slopes are currently zoned for low-density residential development (R-1-5000, R-1-40,000), and are further regulated by the Hillside review (HR) Overlay Zone. As demand for land increases, these hillsides are more likely to face development pressure. Due to the impact hillside development can have on the community's health and safety, and on land, water, economic, and visual resources, it is apparent that if they are developed it must be in a manner compatible with hillside ecology. Whereas the southern slopes have been maintained in close to their natural state, the northern hillsides have been extensively modified and disturbed by extraction and building activities. Development oriented toward the Valley and accessed by roads from the Valley floor should not extend above the 150-foot elevation contour.

### OBJECTIVE

- Preserve as open space those hillsides characterized by steep slopes or geological instability in order to control urban form, insure public safety, provide aesthetic enjoyment, and protect biological resources.

### PROPOSALS

- Designate the hillsides and canyons which have any of the following characteristics as open space in the community:

- a. Contain rare or endangered species of vegetation or animal life.
- b. Contain unstable soils.
- c. Contain the primary course of a natural drainage pattern.
- d. Located above the 150-foot elevation contour.

- Permit only low intensity developments to occur on remaining hillsides within the HR Zone, located below the 150-foot elevation contour.
- Open Space easements should be required for those lots or portions of lots in the HR Zone
- Lot splits should not be permitted on hillsides within the HR Zone except to separate that portion of a lot in the HR Zone from that portion not in the HR Zone for purposes of obtaining open space easements.
- Development intensity should not be determined based upon land located within the HR Zone.
- Encourage the use of planned developments (PRD/PCD) to cluster development and retain as much open space area as possible.
- Preserve the linear greenbelt and natural form of the southern hillsides.
- Rehabilitate the northern hillsides and incorporate them into future development.

### DEVELOPMENT GUIDELINES

- Grading required to accommodate any new development should disturb only minimally the natural terrain. This can be achieved by:
  - a. Contouring as naturally as possible to maintain the overall landform.

E. B.

LA 103

4/21/92

Amendment No. 3

001138

AMENDMENT  
TO THE  
MISSION VALLEY COMMUNITY PLAN

On April 21, 1992, the City Council adopted an amendment to the Mission Valley Community Plan by Resolution No. 279807. The amendment resulted in the following changes to the community plan:

Page 40, Figure 5, Land Use Plan. The redesignation of several southern hillside areas to open space. Community plan and land use designation boundary adjustments were also made and the Light Rail Transit (LRT) alignment was added to this map.

Page 52, Figure 6, FSDRIP Specific Plan Map. Deleted.

Page 53, Figure 7, Northside Specific Plan Map. Deleted.

Page 54, Figure 8, Atlas Specific Plan Map. Deleted.

Page 55, Figure 9, Levi-Cushman Specific Plan Map. Deleted.

Page 56, Figure 10, Specific Plan/Multiple Use Areas Map. Revise to illustrate specific plan boundaries.

Page 76, Figure 17, Proposed Light Rail Transit w/ Shuttle Service Map. Revise to illustrate the adopted LRT line and station locations.

The adopted map changes are attached. These revisions will amend the Mission Valley Community Plan. No text changes were adopted in conjunction with this amendment.

For further information regarding these amendments, contact the Mission Valley Community Planner at (619) 533-3650.

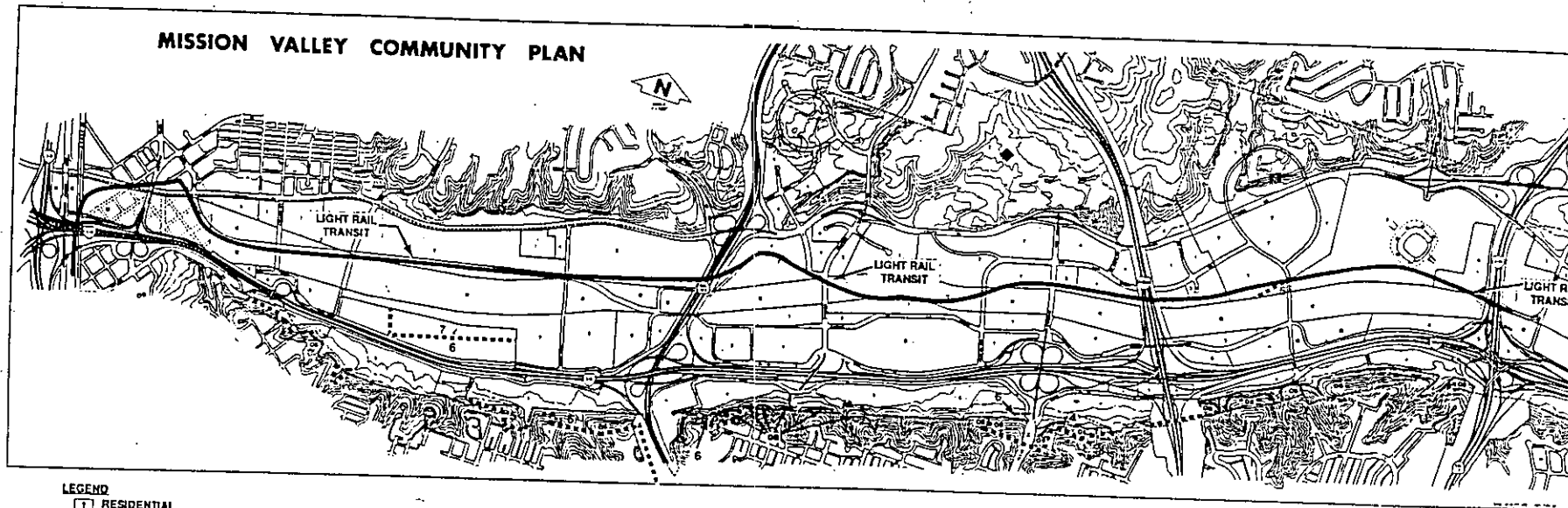
DOCUMENT NO. 12-279807

FILED APR 21 1992

OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

EX. C

001139



**LEGEND**

- 1 RESIDENTIAL
- 2 RESIDENTIAL / OFFICE MIX
- 3 COMMERCIAL - RETAIL
- 4 COMMERCIAL - OFFICE
- 5 COMMERCIAL - RECREATION
- 6 OFFICE OR COMMERCIAL RECREATION
- 7 MULTIPLE USE
- 8 BUSINESS / INDUSTRIAL PARK
- 9 INDUSTRIAL
- 10 MESSHALL AND SCHOOL
- 11 PUBLIC RECREATION
- 12 OPEN SPACE

----- BOUNDARY  
ADJUSTMENT AREAS

⊙ AREAS ABOVE THE 150 FOOT  
CONTOUR LEVEL DESIGNATED  
FOR OPEN SPACE.

EX D  
Site Summary - Sites A through ESite A

Size: 5.14 acres (approx.)  
Location: South of Hotel Circle South just east of the Taylor Street overpass  
Parcel Nos.: 443-040-29, -30 (por.), -31, -32, -33  
Ownership: Vincent & Gladys Kobets, Animal Clinic, Pacer Coast Development Corp., John Shattuck, Jeffrey Binter  
Use: Two single-family dwellings, vacant hillsides and flatter areas  
Community Plan  
Designation: Office or Commercial-Recreation  
Zone: R1-40000, some Hillside Review Overlay Zone

Site B

Size: 0.45 acre  
Location: West of Texas Street, south of Camino del Rio South  
Parcel Nos.: 438-140-14  
Ownership: Harold & Helen Sadleir  
Use: Vacant hillside  
Community Plan  
Designation: Commercial-Office  
Zone: R1-40000/Hillside Review Overlay Zone

Site C

Size: 11.54 acres  
Location: South of Camino del Rio South, east of I-805  
Parcel Nos.: 439-080-19 and 439-040-32  
Ownership: Mission Valley 34th Street, City of San Diego  
Use: Vacant hillsides with flatter drainage area  
Community Plan  
Designation: Commercial-Office, Residential/Office Mix  
Zone: R1-40000, some Hillside Review Overlay Zone

EX I

Site 41

Size: 5.81 acres (approx.)  
Location: South of Camino del Rio South, west of I-15  
Parcel Nos.: 439-520-20 and 439-480-24 (por.)  
Ownership: Phoenix Mutual Life Insurance, Raymond and Rebecca Willenberg  
Use: Vacant hillside  
Community Plan  
Designation: Commercial-Office  
Zone: R1-40000/Hillside Review Overlay Zone

Site E

Size: 12.72 acres  
Location: South side of Camino del Rio South, east of Fairmount Avenue  
Parcel Nos.: 461-350-03, -04, -06  
Ownership: City of San Diego, National University  
Use: National University parking lots and vacant hillsides (CUP in process for a church)  
Community Plan  
Designation: Commercial-Office  
Zone: R1-40000, some Hillside Review Overlay Zone

## C. GENERAL PROJECT INFORMATION

1. Project Address: Camino del Rio South
2. Assessor's Parcel Number(s) (APN): 439-480-24 Parcel Size: 5 acres
3. Legal Description: Lot 1 of NAGEL TRACT UNIT NO 2 SUBDIVISION according to Map No. 4737
4. Existing Use: Vacant Land
5. Proposed Use (Check all that apply): ☐ Single Dwelling ☐ Multiple Dwelling (no. of units       )  
☐ Commercial ☐ Industrial ☐ Scientific Research ☒ Office ☐ Other:                       
Describe the use:  
Medical office
6. Project Description:  
See attached.
7. Describe Project Background (what and when was the last development activity on the site)?  
The project site is vacant. There has been no development activity on the site.
8. List all permits/approvals related to the project (e.g., board of appeals approvals, lot tie agreements, easement agreements, building restricted easements, development permits, policy approvals, subdivision approvals, or other special agreements with the city), if any:  
Open space easement with the City of San Diego recorded December 17, 1982 as Instrument No. 82-386778
9. Does the project include new construction? ..... ☒ Yes ☐ No  
If Yes, what is the proposed Height/Number of Building Stories: 2 stories
10. Does the project include an interior remodel (tenant improvement)? ..... ☐ Yes ☒ No
11. List any requested permits, actions or approvals:  
Site Development Permit and a Mission Valley Development Permit.

9. What are the proposed policy improvements?

001143

EX. 6

# **DEVELOPMENT PERMIT AND POLICY APPROVAL PROJECT INFORMATION**

Respond to the following questions if your preliminary review will include issues relating to a property development regulations, such as subdivisions, use permits, land use plan amendments.

1. Which Community Planning area is the project located in? 12 Mission Valley and Marston

2. Will the project be in a Community Plan Amendment area? Yes

Does plan describe the amendment?

3. What is the zoning of the project premise (include the name of the Planned District, if applicable)? Mission Valley Planned District-Commercial Office (MVPD-CO)

4. Does the property have any structures that are over forty five years old? Yes

5. Could the structures be historically significant for any reason? Yes

Types of structures:

The Project Information Checklist shows that the property contains historical resources. Are there any structures on the property? Is this just an error?

6. Is your project located in an area of sensitive biological resources, the City's Multiple Habitat Plan (MHP) or other area, etc.? Yes

7. Will your project generate new storm water runoff? Yes

8. Will the project require a Permit? Yes

Is the project located in a flood zone?

Is the project located in a flood zone?

9. Does the project require a permit?

The applicant is requesting a deviation from Code Section 103.2107(3)(A) regarding the project's location.

He knew of this issue before  
buying property  
He bought it in 12-03.

EX H

considered on a case-by-case basis if proposed by the property owners. However, any development of these areas would be subject to the trip provisions of the Mission Valley Development Intensity District and Planned District Ordinance which would trigger a special permit if over a nominal threshold. In addition, depending on what portion of the site would be impacted by development, a Hillside Review Permit may also be required. Development on the remaining areas above the 150-foot contour level is already severely restricted by the Mission Valley Community Plan, Planned District Ordinance and Development Intensity District Ordinance. Thus, no rezones are considered necessary at this time.

#### Boundary Adjustments

This amendment to the Mission Valley Community Plan Land Use Map would correct the community boundary line on the southern and eastern sides of Mission Valley to be consistent with adjacent communities and the official Mission Valley boundary line. In addition, the multiple use designation boundary lines would be corrected at two locations on the Mission Valley Community Plan Land Use Map (Attachment 1a).

#### Light Rail Transit (LRT) Line

Metropolitan Transit Development Board (MTDB) staff has requested that the adopted Mission Valley West Light Rail Transit (LRT) line be illustrated on the Mission Valley Community Plan Land Use Map as well as on Figure 17 of the Plan. MTDB staff believes that illustration of the LRT line on the Land Use Map, together with existing and proposed roads, would present a comprehensive picture of future transportation facilities in Mission Valley. The City Manager concurs with this request and the revised figure is illustrated on Attachment 1a.

MTDB staff also requested that the LRT alignment previously illustrated on Figure 17 of the community plan be updated to illustrate the adopted alignment (Attachment 1g). In addition, MTDB staff proposed revisions to the Intra-Valley Shuttle Bus Route shown on Figure 17. Planning staff originally concurred with these requests and the Planning Commission approved these changes. However, a Mission Valley property owner subsequently questioned the modifications to the Intra-Valley Shuttle Bus Route shown on Figure 17. Upon further review, it was determined that changes to the Intra-Valley Shuttle Bus Route had not been approved by the MTD Board. Rather, the bus route changes were a prediction by MTDB staff of what is likely to occur. Because of this, the City Manager is recommending that the shuttle bus route previously included on Figure 17 of the community plan be retained. The LRT line would be revised to illustrate the adopted alignment. The proposed Figure 17 is shown on



## Proposed Downtown Plan Amendments

July 31, 2007  
Centre City Development  
Corporation

## Proposed Amendments

A group of modifications to:

- Downtown Community Plan
- Redevelopment Plan for Centre City Redevelopment Project
- Centre City Planned District Ordinance

## Reasons for Amendments

- Based on performance of new PDO bonus programs
- Cleanup items
- Streamlining
- Consistency among planning documents

## Public Process

Public Workshops (February – May)

- Centre City Advisory Committee
- CCDC Board
- Planning Commission

Public Meetings (May-June)

- CCAC
- CCDC Board
- Planning Commission

## Downtown Community Plan

- Modify Land Use Maps, consistent with PDO's Proposed Rezoning
- Minor Cleanups

## Centre City Planned District Ordinance

### Land Use

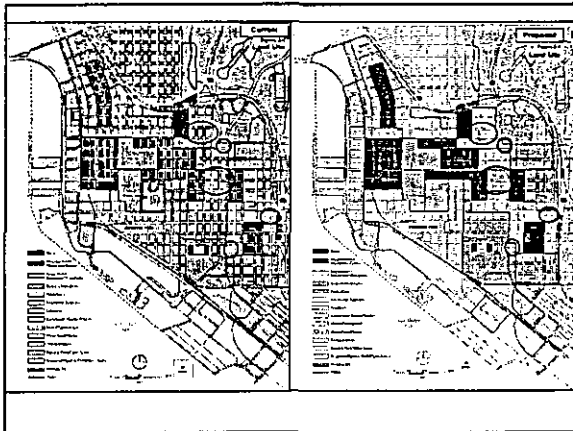
- Rezone 12 blocks (all mixed-use)
- Social Services/Homeless Facilities – allow ¼-mile separation requirement modifications

### FAR Bonuses

- Increase Bonus for Affordable Rental Housing
- Modify Eco-Roof and Three-Bedroom Unit Bonuses to increase Public Benefits
- Delete Public ROW Improvements Program

### Urban Design

- Miscellaneous Minor Changes/Cleanups



## Centre City Planned District Ordinance

### Land Use

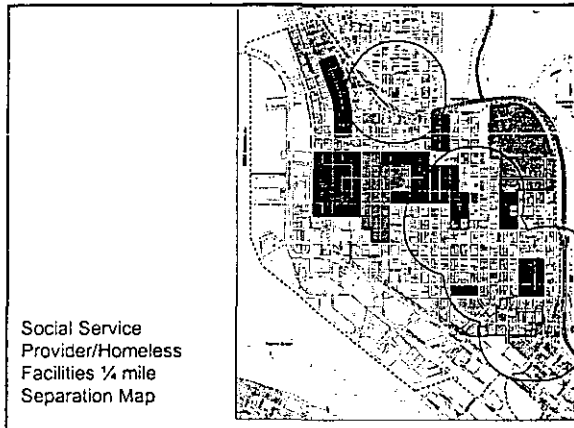
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### Urban Design

- Miscellaneous Minor Changes/Cleanups



## Centre City Planned District Ordinance

### Land Use

- Rezone 12 blocks (all mixed-use)
- Social Services/Homeless Facilities – allow ¼-mile separation requirement modifications

### FAR Bonuses

- Increase Bonus for Affordable Rental Housing
- Modify Eco-Roof and Three-Bedroom Unit Bonuses to increase Public Benefits
- Delete Public ROW Improvements Program

### Urban Design

- Miscellaneous Minor Changes/Cleanups

## SRO & Living Unit Projects Parking Requirements

Existing Parking Standards		Potential Parking Standards	
Minimum		Minimum	
Market Rate	0.5 spaces/unit	Market Rate	0.3 spaces/unit
50% AMI	0.2 spaces/unit	50% AMI	0.1 spaces/unit
At or below 40% AMI	None	At or below 40% AMI	None

## Redevelopment Plan Amendments

- Consolidate Land Use and Project Maps to streamline document
- Minor Cleanups

001147

### Previous Recommendations

#### Majority of Amendments

- Unanimous support by CCAC, CCDC Board, Planning Commission

#### SRO/Living Unit Parking Reductions

- CCAC/CCDC Board – No change pending parking study
- Planning Commission – Reduce now

#### Homeless Facilities Standards

- CCAC 12-11 Oppose
- CCDC Board 5-0 Support
- Planning Commission 4-0 Support

### Summary & Recommendation

Continue Public Hearing  
until September 25, 2007  
for Remainder of  
Amendments

Jarman/Olen

Staff: Rick Wurts - (619) 980-1576  
William J. Gersten - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. - 2:37 p.m.)

Testimony in favor by Kathleen Higgins.

MOTION BY ATKINS TO ADOPT THE RESOLUTION WITH DIRECTION TO REFER THE ISSUE OF THE FULL-TIME EQUIVALENT PERMIT PROCESSING TO MOVE OVER TO THE PARK AND RECREATION DEPARTMENT. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-341: Proposed 11<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project and Amendments to the Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and the Mitigation Monitoring and Reporting Program of the 2006 Final Environmental Impact Report for the Downtown Community Plan, Centre City Planned District Ordinance, and Redevelopment Plan for the Centre City Project Area – Areawide.

(See Centre City Development Corporation Report CCDC-07-29/CCDC-07-15. Districts 2 and 8.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolutions in Subitems A and B; and introduce the ordinances in Subitems C and D:

Subitem-A: (R-2008-65) ADOPTED AS RESOLUTION R-302930

Approving the proposed amendments to the Downtown Community Plan;

Declaring that the provisions of the Downtown Community Plan and amendments shall not be applicable within the Coastal Zone until the day the California Coastal Commission unconditionally certifies the Downtown Community Plan, as amended, as a local coastal amendment; and until such certification, the provisions of the 1992 Centre City Community Plan, and all amendments thereto, shall be applicable within the Coastal Zone. If the Downtown Community Plan is not certified, or is certified with conditions or modifications by the California Coastal Commission and such conditions or modifications are not accepted by the City of San Diego, the provisions of the Downtown Community Plan shall be null and void within the Coastal Zone and the provisions of the 1992 Centre City Community Plan, and all amendments thereto, shall be applicable in the Coastal Zone.

Subitem-B: (R-2008-66)      ADOPTED AS RESOLUTION R-302931

Certifying that the Redevelopment Agency has reviewed and considered information contained in the proposed addendum to the final environmental impact report (final EIR) for the Centre City Redevelopment Project, the Downtown Community Plan, the Centre City Planned District Ordinance and the Tenth Amendment to the Redevelopment Plan for Centre City Redevelopment Project with respect to the Proposed 11<sup>th</sup> amendment to the Redevelopment Plan for the Centre City Redevelopment Project and amendments to the Downtown Community Plan and Centre City Planned District Ordinance.

Subitem-C: (O-2008-6)      INTRODUCED, TO BE ADOPTED  
TUESDAY, SEPTEMBER 4, 2007

Introduction of an Ordinance approving and adopting the proposed 11<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, for the purpose of making necessary changes to consolidate the land use and project maps in order to create consistency among planning documents.

**Subitem-D: (O-2008-9 REV1)**

INTRODUCED AS AMENDED, TO BE  
ADOPTED TUESDAY, SEPTEMBER 4, 2007

**Introduction of an Ordinance Amending Sections 156.0302, 156.0303, 156.0304, 156.0305, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, 156.0314 and 156.0315, and Substituting New Figure B, in Chapter 15, Article 6, Division 3, relating to Land Use, FAR Bonus Programs, Urban Design, Procedures/Calculations, Parking, and Signs pertaining to revising the Centre City Planned District Ordinance.**

**NOTE:** This is a Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of July 31, 2007 for a companion item.

FILE LOCATION:

SUBITEMS A AND B: MEET  
SUBITEMS C AND D: NONE

**COUNCIL ACTION:**

(Time duration: 3:49 p.m. - 4:36 p.m.)

Testimony in opposition by Gary Smith, Katheryn Rhodes, Paul Downey, and John Calabotta, David Hazan.

MOTION BY FAULCONER TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B AND TO INTRODUCE THE ORDINANCES IN SUBITEMS C AND D WITH THE EXPECTATION THAT THE PROPOSED REDUCTIONS FOR THE MARKET-RATE SINGLE ROOM OCCUPANCIES AND LIVING UNITS BE BROUGHT BACK AFTER THE DOWNTOWN PARKING STUDY IS COMPLETE. DELETE THE DEFINITION OF "CONDO-HOTEL" IN SUBITEM D UNTIL STAFF GATHERS FURTHER INFORMATION AND REPORTS BACK IN TWO MONTHS. IN SUBITEM C, INCLUDE INFORMATION FROM THE ERRATA SHEET WHICH DELETES THE SENTENCE REFERRING TO THE MAP. CONTINUE THE PUBLIC HEARING ON THE HISTORICAL RESOURCES ITEM TO SEPTEMBER 25, 2007. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

Jarman/Olen

Staff: Rick Wurts - (619) 980-1576  
William J. Gersten - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. - 2:37 p.m.)

Testimony in favor by Kathleen Higgins.

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ITEM-341: Proposed 11<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project and Amendments to the Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and the Mitigation Monitoring and Reporting Program of the 2006 Final Environmental Impact Report for the Downtown Community Plan, Centre City Planned District Ordinance, and Redevelopment Plan for the Centre City Project Area – Areawide.

(See Centre City Development Corporation Report CCDC-07-29/CCDC-07-15. Districts 2 and 8.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

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Approving the proposed amendments to the Downtown Community Plan;

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